

## **Solid Waste Advisory Committee (SWAC) Meeting Summary**

April 24, 2008

### **Introductions and Updates**

John Fischer, MassDEP, informed the group that Mr. Christopher Haynes, a regular attendee of past SWAC meetings, passed away in early April due to complications of cancer treatment.

### **Update on Implementation of the Mercury Management Act**

Greg Cooper, MassDEP, provided an update on implementation of the Mercury Management Act. A copy of his presentation is attached. Key points included:

- **Phase 1 Regulations and Certifications**
  - Mercury Vehicle Switches
    - Certifications from vehicle recyclers and dismantlers on mercury switches removed in the past year are due to MassDEP on May 16, 2008.
    - End of Life Vehicle Solutions (ELVS), an auto manufacturer consortium, is funding switch recovery.
    - If the 90 percent recovery target for switches is not met by May 16, 2008, a bounty for vehicle switches will take effect.
  - Mercury lamp manufacturers certifications are due May 16, 2008.
  - Collection and recycling plans for other mercury products must be developed and submitted by manufacturers on a date to be determined.
- **Status of Draft Phase II Regulations**
  - Draft regulations will be out for public comment soon
  - Sales ban on specific measuring devices and thermostats starts May 1, 2008
  - Labeling requirements on all mercury products sold in Massachusetts starts May 1, 2008
  - Dates set in statute are the effective dates
- **Implementation of Disposal Prohibition effective May 1, 2008**
  - **Interim Facility Guidance**
    - MassDEP sent interim guidance on the disposal prohibition to:
      - Solid waste facility operators
      - Municipal recycling contacts
      - Solid waste haulers
    - Guidance folders include a letter and:
      - MassDEP Fact Sheet: Summary of the Law
      - Frequently Asked Questions: Disposal Prohibition Provision of the Mercury Management Act
      - Municipal & Commercial Drop-Off Locations for Mercury-Added Product Recycling

- Cleaning Up Spills of Elemental (Liquid) Mercury
  - Interim Guidance for Facility Operators on Handling Products Containing Mercury (prior to getting comments on guidance with Phase 2 regulations)
  - Copies of the three letters are attached to these notes, and the other outreach materials will be posted on the MassDEP website shortly, with a notice sent out to the SWAC
  - This information can be found on the MassDEP web site at <http://www.mass.gov/dep/toxics/stypes/hgres.htm#mma>.
- **Outreach & Training**
    - Training program being conducted by Tina Klein and a contractor for the four MassDEP regions
    - Additional outreach planned for:
      - Appliance and electronics recyclers
      - Business associations, retailers, chambers of commerce
- **Recycling Infrastructure Development**
    - Approximately 60% of Massachusetts communities have mercury product diversion programs funded by municipal waste combustors (MWC)
      - So far have recruited 50 hardware stores to collect; this number will grow
    - MassDEP reinstituted municipal grants for collection sheds
      - 12 sheds awarded in 2008
    - MassDEP offers municipalities mercury disposal signs
    - MassDEP in discussions with CFL manufacturers and retailers to encourage taking ownership of program, in part to boost CFL sales
    - MassDEP is working with utilities on their rebate programs to incentivize collections
    - Scope of products with Hg is very broad — MassDEP is still identifying all the items containing Hg.

## Q&A

Greg Cooper and Tina Klein, MassDEP, responded to attendees' questions as follows:

Outreach to the building industry:

- Offering Thermostat Recycling Corp. (TRC) boxes to all builders
- Publicizing program to all general contractors and demolition companies through AGC
- Sending letter to municipal building departments

Outreach to scrap yards re: Hg products in white goods:

- Will promote program to scrap yards and Freon reclaimers to remove Hg switches, pumps, and so forth from items such as old chest freezers.

Tina Klein has been conducting trainings at MassDEP regional offices. Training materials will be posted online shortly and an announcement sent out. Steve Changaris, NSWMA, urged that training be offered to haulers and disposal facility operators. Staff gave him details on the remaining training sessions.

In response to a question about whether mercury products would be covered under a waste ban, Greg Cooper clarified that these products will not be under the waste bans as codified in 310 CMR 19.017. Rather, facilities will be asked to incorporate proper management procedures through their operations and maintenance plans.

When the Phase II regulations are finalized and posted, MassDEP will send a notice to the SWAC email distribution list.

### **Solid Waste Master Plan Review –Landfills Last Plan Development**

John Fischer, MassDEP, gave an overview of the recently launched process to prepare a new Massachusetts Solid Waste Master Plan. Please refer to the presentation posted with these meeting notes for an overview of MassDEP's proposed Landfills Last approach.

John Fischer invited attendees to suggest ideas for the new plan and to think about how to take a broader view of solid waste management that considers how we manage materials throughout their lifecycle. Participants provided the following comments and recommendations:

#### **Materials Management Policy Suggestions**

- MassDEP's proposed larger planning context of material management is welcome.
- Massachusetts should consider changing its goal from a waste reduction/recycling goal to a life cycle production goal.
- To undertake this kind of paradigm shift involves many considerations outside the scope of traditional waste management planning.
  - For example, what are the real life cycle trade-offs among products, e.g., would e-books really be preferred to printed books as a waste reduction measure?
- MassDEP should look at what the European Union and other states are doing.
- Everyone wants to be "green" now – MassDEP can use this momentum.
- MassDEP should look at the carbon cap and trade program or a carbon tax (for example, the model used at the Chicago Board of Trade) and how to incentivize new ways to produce energy and sequester carbon relative to waste and materials management.
- MassDEP should review an MIT study in the late 90s that looked at true recycling, or inverse manufacturing, which is similar to design for the environment (DfE); for example, when you design a product, make it out of recycled material.
- McKinsey & Company, a firm that works on sustainability for high-end corporations, recently presented an excellent slideshow at an Environmental Business Council meeting. Tom Mackie, who saw this presentation, will forward it to MassDEP.

#### **Plan Name**

- Suggest calling this plan the State Sustainability Master Plan.
  - Encourage people to make this approach part of their lives.
- This plan needs a broader name than "Landfills Last". This name should focus on maximizing reuse, managing materials locally and supporting local industry, and managing the embedded energy in products.

- MassDEP should talk to the hauling company Save That Stuff about using their name – that would be a good name for this plan.

#### Producer Responsibility

- Producer responsibility is the main conceptual shift needed to control waste generation; we need to consider the entire life cycle of products.
  - Need to go beyond e-waste and mercury bill.
- A small state like Massachusetts (about 6 million population) may not be able to influence producers that are part of a global production system to implement extended producer responsibility.
- Producer responsibility should be pursued on a regional level.
- One participant asked what does producer responsibility mean and how can this be advanced in Massachusetts? What has been done already to work further up stream?
  - John Fischer explained that, in addition to the Mercury Management Act and the Bottle Bill, other recent approaches along these lines have included TURA Resource Conservation planning under the Toxics Use Reduction Act and Resource Management Contracting.

#### Program Funding

- MassDEP should revisit the recommendations of the Tellus Institute's Source Reduction Report for Massachusetts and the Executive Office of Environmental Affairs Recycle 2000 report, including the need to provide adequate funding to MassDEP to implement those recommendations.
- Massachusetts should reinstate the Clean Environment Fund to provide increased funding for recycling programs, as was recommended in the Recycle 2000 report (i.e., \$10 million or more annually).
- It is unfortunate that Chelsea Center funding went away; that was an important resource.
- Given the state of the economy, it may be difficult to get more funds allocated to MassDEP and this plan should not be founded on the expectation of increased funding. Instead, Massachusetts should put in place policy and regulations that permit and facilitate public-private partnerships to implement projects.

#### Use of Materials as Fuels/Energy Sources

- Technologies like gasification and plasma arc melting are not yet proven technologies. While they hold some potential, they may not work well in practice on a large scale.
- Massachusetts should not pursue bio-based fuels that compete with food uses.
- MassDEP should work with local energy committees to develop local uses of material for energy.
- There are lots of conversion technologies and MassDEP should look into them and talk to technology developers.
- MassDEP should set the bar high to require these facilities to meet stringent requirements and allow the market to come up with solutions.
- There are lots of opportunities to manage energy better and connect with incentive programs like the Regional Greenhouse Gas Initiative (RGGI) and other opportunities to sell carbon credits.

- For example, the Town of Bourne is looking into selling carbon credits from landfill gas-to-energy at the Chicago Climate Exchange.
- Municipal waste combustion facilities do produce energy – e.g., SEMASS generates 75 MW of electricity.
- MassDEP should work with someone locally to burn “dirty” construction and demolition debris wood as fuel.
- What is the current status of the C&D Subcommittee? What happened to all of the market development work done by that group and why does burning seem to be the only option being considered for C&D wood?
  - MassDEP’s C&D Subcommittee is continuing to meet actively and has established new workgroups for asphalt shingles and gypsum wallboard. MassDEP expects to issue a consultant report on C&D wood management shortly and has seen several markets develop for C&D wood, including use in fiberboard and use of clean C&D wood in mulch.
  - SWAC members interested in participating in the C&D Subcommittee discussions should contact Jim McQuade at [james.mcquade@state.ma.us](mailto:james.mcquade@state.ma.us).

#### Disposal Issues

- “Landfills last” should not mean that incineration is OK – this should be framed as “disposal last”.
- Massachusetts has to look at in-state disposal and diversion capacity; it is possible that other states may refuse to take our waste at some point in the future.

#### Changing Behavior

- To increase diversion, we need to counter the perception of reused materials as “second-hand” or inferior.
- Without state-sanctioned technologies for alternative management of waste, the only other solutions are market solutions to change the ways people behave.
- There is a disconnect between “greenies” and the general public.
- We need a mass market approach to educate people about reducing waste.
- Maybe environmental organizations can get together and develop public service announcements.
- MassDEP should consider hiring an ad agency to assist with this work.

#### Stakeholder Participation

- What opportunities will there be for external stakeholders to make recommendations on policy and regulations?
  - MassDEP expects to hold a number of additional meetings to discuss development of the new Solid Waste Master Plan with SWAC and different groups of stakeholders.
  - MassDEP also expects to form some type of stakeholder workgroup, though no decision has been made about this at this time.
- MassDEP should hold more brainstorming sessions and workshops on these topics, including brainstorming sessions at universities.

### State Agencies and Universities

- MassDEP should work more with other state agencies to bring together disparate plans and programs such as the State Sustainability program and the Massachusetts Technology Collaborative.
- It is important for state agencies to better understand the environmental impacts of their own operations. For example, what is the total electricity use by state agencies and how can that be addressed?
- MassDEP should involve state universities and other colleges and universities to get input and suggestions into developing this plan, including possibly holding a contest for ideas and suggestions.
- MassDEP needs to work with other agencies to get Mass Highways to use compost and asphalt shingle road-paving material in their highway construction and maintenance work.
- MassDEP should continue to work with the Operational Services Division to incorporate reuse into state contracts.
- One example of the need for greater coordination across state agencies is that MassDEP has set a standard for perchlorate in drinking water that local governments need to meet. However, state and local police departments are still using flares that contain perchlorate, when alternatives are available.